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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,601	08/27/2001	Satoshi Ejima	032372.01	3679

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EXAMINER

SAX, STEVEN PAUL

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/938,601

Applicant(s)

EJIMA ET AL

Examiner

Steven P Sax

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,7-21,23-28 and 30-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-20,25-27 and 30-32 is/are allowed.
- 6) ☒ Claim(s) 1,2,21,23,24,28 and 33-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This application has been examined. The amendment filed 10/3/05 has been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 21, 23, 24, 28, 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noguchi et al (5642135) and Ushida et al (5717793).

4. Regarding claim 1, Noguchi et al show the information processing apparatus that outputs a photographic image and line drawing image (abstract, column 2 lines 1-20), including: a first output means which generates a photographic image by performing resolution conversion to a first source image at a first conversion rate and outputs the photographic image (column 2 lines 1-20, column 5 lines 10-25, column 6 lines 15-43, column 32 lines 10-25 and 60-67), a second output means which generates and interpolates a line drawing image by performing a resolution conversion to a second source image at a second conversion rate which is different from the first conversion

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rate (column 2 lines 45-55, column 5 lines 40-60, column 19 lines 15-48, column 28 lines 40-53, column 32 lines 15-30), with the line drawing image being overlaid on the photographic image (column 17 lines 45-60, column 32 lines 25-39) to produce a superimposed image. Noguchi et al do not specifically mention pixel thinning the photographic image to perform the resolution conversion before the overlay, but do mention efficient resolution conversion for image processing. Furthermore, Ushida et al do mention pixel thinning to perform resolution conversion for image processing (Figures 19-21, column 7 lines 45-65, column 8 lines 35-60). It would have been obvious to a person with ordinary skill in the art to have this in Noguchi et al, because it would provide an efficient way to perform resolution conversion in an image processing system that combines image data.

5. Regarding claim 2, the photographic image and line drawing are displayed on a display (Noguchi et al column 17 lines 40-60).

6. Claim 21 shows the same features as claim 1 and is rejected for the same reasons.

7. Regarding claim 23, note the touch tablet (Noguchi et al column 6 lines 60-67).

8. Claim 24 shows the same features as claim 1 and is rejected for the same reasons.

9. Claim 28 shows the same features as claim 1 and is rejected for the same reasons.

10. Regarding claim 33, the resolutions are different (Noguchi et al column 27 lines 15-45, column 32 lines 25-45).

11. Regarding claim 34, the smaller resolution matches the display resolution (Noguchi et al column 27 lines 30-60).

12. Regarding claim 35, the larger resolution matches the display resolution (Noguchi et al column 28 lines 30-50, column 30 lines 15-55).

13. Claims 7-20, 25-27, 30-32 are allowable over the prior art of record. These show the filtering and interpolation techniques, which combined show a different resolution process and overlaying.

14. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

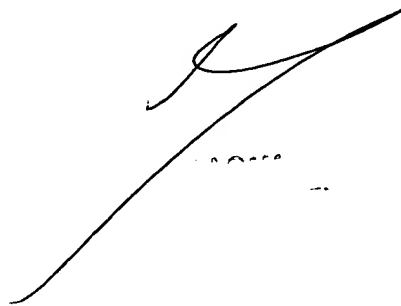
15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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